

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte PAUL W. WATT, REGINALD STILWELL,  
and ALAN LEBLANC

Application No. 09/164,793

MAILED

OCT 18 2005

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 25, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 11, 2000, appellants filed an Information Disclosure Statement (Paper No. 9). It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

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In addition, a review of the file reveals that a "PTO-90" (Paper No. 19) was physically located in the application but it appears that the "PTO-90" was not mailed to the appellants (date provided on the Contents of file but no date provided on the paper). Before further review of this file, the examiner must mail to appellants, the proper response to the reply brief.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) consideration of the Information Disclosure Statement (Paper No. 9); 2) written notification by the examiner to appellants of such consideration; 3) to mail the appellants, the proper response to the reply brief; and 4) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES  
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